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10/517,740	07/06/2005	Thomas Sonnenrein	10191/3909	1610

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KENYON & KENYON LLP  
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EXAMINER
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HOLLIDAY, JAIME MICHELE

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/517,740

Applicant(s)

SONNENREIN ET AL.

Examiner

Jaime M. Holliday

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-41 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 14-41 is/are allowed.
- 6) ☒ Claim(s) 14-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments, see REMARKS, filed November 7, 2006, with respect to **claims 14-16 and 37-41** have been fully considered and are persuasive. The U.S.C. 112, First Paragraph rejection of claims 14-16 and 37-41 has been withdrawn.
2. Applicant's arguments with respect to the U.S.C. 102 (b) and U.S.C. 103 (a) rejections of claims 14-41 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 40 and 41** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 40 and 41 claim a stored computer program having a program code without being embodied on any structure approved by the MPEP.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. **Claims 14-22, 26-27, 37, 39 and 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kennedy, III et al. (U.S. Patent # 5,734,981)** in view of **Tomcik et al. (U.S. Patent # 6,317,607 B1)**.

Consider **claims 14 and 37**, Kennedy, III et al. clearly show and disclose a call delivery system **10**, reading on the claimed "communication connection," for delivering a call to a mobile unit **12** in a vehicle **14** which includes both a data communications network and a mobile voice communications network. A platform **18** receives a call for the mobile unit and can generate a call back message for transmission to the mobile unit using the data communications network, reading on the claimed "method (system) for establishing a

communication connection between a control center and a terminal which is situated in a motor vehicle," (abstract and col. 2 lines 9-24), comprising:

sending, by the platform, reading on the claimed "control center," a message to a data transceiver **100** requesting the mobile unit to call the platform, reading on the claimed "requesting, by a call by the control center, establishment of a connection to the terminal," (col. 10 lines 13-15);

receiving, via an antenna **102**, the call back message and passing it through transceiver **104** and controller **106** to processor **110**, which can automatically initiate a call back using mobile voice communications device **90** without operator intervention, and when a mobile unit calls the platform, a call from a caller **36** and the call from the mobile unit are coupled to complete call delivery. The delivered call may be a call to transfer data to the mobile unit, reading on the claimed "in response to a determination that the connection to the control center is permitted to be established, automatically establishing, by the terminal, a communication connection to the control center; transmitting data via the established communication connection," (col. 8 lines 27-29; col. 9 lines 3-6; col. 10 lines 15-17 and 22-24).

However, Kennedy, III et al. fail to specifically disclose that the mobile unit terminates the call from the platform before accepting it.

In the same field of endeavor, Tomcik et al. clearly show and disclose a method for rejecting a request for call initialization. A wireless communication device comprises a multi-mode wireless telephone and means located within the

telephone to determine a communication mode of incoming communication requests. When a page message is received by the wireless communication device indicating a request for call initialization, or availability of an incoming call, the page message is examined to determine which communication mode is being requested by the incoming call. If the communication mode of the incoming call does not match at least one of the selected communication modes, a page response message is transmitted rejecting the incoming call, reading on the claimed "terminating, by the terminal, the call without accepting the call; checking, by the terminal, on the basis of data delivered by the call, whether a connection to the control center is permitted to be established," (abstract, col. 2 line 54- col. 3 line 10).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a wireless device determine if an incoming call is in a selected communication mode before accepting as taught by Tomcik et al. in the system of Kennedy, III et al. in order to successfully deliver call in a communication system.

Consider **claim 15**, Kennedy, III et al. clearly show and disclose a call delivery system, reading on the claimed "communication connection," for delivering a call to a mobile unit in a vehicle which includes both a data communications network and a mobile voice communications network. A platform receives a call for the mobile unit and can generate a call back message for transmission to the mobile unit using the data communications network,

reading on the claimed "method for establishing a communication connection between a control center and a terminal," (abstract and col. 2 lines 9-24), comprising:

initiating, by the platform, a call delivery process upon receiving a call from a caller for the mobile unit, and using the data communications network to communicate a call back message to the mobile network which can request the mobile unit to call the platform, and when a mobile unit calls the platform, the call from the caller and the call from the mobile unit are coupled to complete call delivery. The delivered call may be a call to transfer data to the mobile unit, reading on the claimed "transmitting, by the control center, a call to a selected terminal as a function of an external request, and expecting a request for connection from the terminal after the terminal has performed the steps of: communicating data between the control center and the terminal," (col. 7 lines 49-53 and 62-63; col. 8 lines 27-29 and col. 9 lines 3-6).

However, Kennedy, III et al. fail to specifically disclose that the mobile unit terminates the call from the platform before accepting it.

In the same field of endeavor, Tomcik et al. clearly show and disclose a method for rejecting a request for call initialization. A wireless communication device comprises a multi-mode wireless telephone and means located within the telephone to determine a communication mode of incoming communication requests. When a page message is received by the wireless communication device indicating a request for call initialization, or availability of an incoming call,

the page message is examined to determine which communication mode is being requested by the incoming call. If the communication mode of the incoming call does not match at least one of the selected communication modes, a page response message is transmitted rejecting the incoming call, reading on the claimed "terminating, by the terminal, the call without accepting the call; checking, by the terminal, on the basis of data delivered by the call, whether a connection to the control center is permitted to be established," (abstract, col. 2 line 54- col. 3 line 10).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a wireless device determine if an incoming call is in a selected communication mode before accepting as taught by Tomcik et al. in the system of Kennedy, III et al. in order to successfully deliver call in a communication system.

Consider **claims 16 and 39**, Kennedy, III et al. clearly show and disclose a call delivery system, reading on the claimed "communication connection," for delivering a call to a mobile unit in a vehicle which includes both a data communications network and a mobile voice communications network. A platform receives a call for the mobile unit and can generate a call back message for transmission to the mobile unit using the data communications network, reading on the claimed "method (system) for establishing a communication connection between a control center and a terminal which is situated in a motor vehicle," (abstract and col. 2 lines 9-24), comprising:



receiving, via an antenna, the call back message from the platform, reading on the claimed "control center," and passing it through transceiver and controller to the processor of the mobile unit, reading on the claimed "receiving, by the terminal, a call requesting establishment of a connection," (col. 10 lines 15-17);

automatically initiating, by the processor, a call back using mobile voice communications device without operator intervention, reading on the claimed "in response to a determination that the connection to the control center is permitted to be established, automatically establishing, by the terminal, a communication connection to the control center, automatically establishing a communication connection to the control center," (col. 10 lines 22-24); and

when a mobile unit calls the platform, the call from the caller and the call from the mobile unit are coupled to complete call delivery. The delivered call may be a call to transfer data to the mobile unit, reading on the claimed "transmitting data via the established communication connection," (col. 8 lines 27-29 and col. 9 lines 3-6).

However, Kennedy, III et al. fail to specifically disclose that the mobile unit terminates the call from the platform before accepting it.

In the same field of endeavor, Tomcik et al. clearly show and disclose a method for rejecting a request for call initialization. A wireless communication device comprises a multi-mode wireless telephone and means located within the telephone to determine a communication mode of incoming communication

requests. When a page message is received by the wireless communication device indicating a request for call initialization, or availability of an incoming call, the page message is examined to determine which communication mode is being requested by the incoming call. If the communication mode of the incoming call does not match at least one of the selected communication modes, a page response message is transmitted rejecting the incoming call, reading on the claimed "terminating, by the terminal, the call without accepting the call; checking, by the terminal, on the basis of data delivered by the call, whether a connection to the control center is permitted to be established," (abstract, col. 2 line 54- col. 3 line 10).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a wireless device determine if an incoming call is in a selected communication mode before accepting as taught by Tomcik et al. in the system of Kennedy, III et al. in order to successfully deliver call in a communication system.

Consider **claim 17**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention **as applied to claim 14 above**, and in addition, Kennedy, III et al. further disclose a caller can initiate calls to a mobile unit using communications networks such as SMR, ESMR, PCS, or any other suitable link that allows a caller to direct a call to the platform, reading on the claimed "call is a call specified in a mobile wireless standard," (col. 6 lines 15-21). The mobile voice communications device of the mobile unit can receive a call

over the mobile communications network to download data to the processor, reading on the claimed "communication connection is established via a mobile wireless network," (col. 9 lines 7-9).

Consider **claim 18**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention **as applied to claim 17 above**, and in addition, Kennedy, III et al. further disclose that the delivered call to the mobile unit is a traditional voice call, reading on the claimed "call is one of a telephone call and a data call," (col. 9 lines 3-4).

Consider **claim 19**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention **as applied to claim 15 above**, and in addition, Kennedy, III et al. further disclose a caller can initiate calls to a mobile unit using communications networks such as SMR, ESMR, PCS, or any other suitable link that allows a caller to direct a call to the platform, reading on the claimed "call is a call specified in a mobile wireless standard," (col. 6 lines 15-21). The mobile voice communications device of the mobile unit can receive a call over the mobile communications network to download data to the processor, reading on the claimed "communication connection is established via a mobile wireless network," (col. 9 lines 7-9).

Consider **claim 20**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention **as applied to claim 19 above**, and in addition, Kennedy, III et al. further disclose that the delivered call to the mobile

unit is a traditional voice call, reading on the claimed "call is one of a telephone call and a data call," (col. 9 lines 3-4).

Consider **claim 21**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention **as applied to claim 16 above**, and in addition, Kennedy, III et al. further disclose a caller can initiate calls to a mobile unit using communications networks such as SMR, ESMR, PCS, or any other suitable link that allows a caller to direct a call to the platform, reading on the claimed "call is a call specified in a mobile wireless standard," (col. 6 lines 15-21). The mobile voice communications device of the mobile unit can receive a call over the mobile communications network to download data to the processor, reading on the claimed "communication connection is established via a mobile wireless network," (col. 9 lines 7-9).

Consider **claim 22**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention **as applied to claim 21 above**, and in addition, Kennedy, III et al. further disclose that the delivered call to the mobile unit is a traditional voice call, reading on the claimed "call is one of a telephone call and a data call," (col. 9 lines 3-4).

Consider **claim 26**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention **as applied to claim 15 above**, and in addition, Kennedy et al. further disclose a communications link is established in response to call delivery information, which is generated at the mobile unit, being received by the platform, reading on the claimed "communication connection is

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established automatically by the terminal dialing into a network," (col. 2 lines 30-32).

Consider **claim 27**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention **as applied to claim 16 above**, and in addition, Kennedy et al. further disclose a communications link is established in response to call delivery information, which is generated at the mobile unit, being received by the platform, reading on the claimed "communication connection is established automatically by the terminal dialing into a network," (col. 2 lines 30-32).

7. **Claims 23-25 and 28-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kennedy, III et al. (U.S. Patent # 5,734,981)** in view of **Tomcik et al. (U.S. Patent # 6,317,607 B1)**, and in further view of **Oka (U.S. Patent # 6,091,945)**.

Consider **claim 23**, and **as applied to claim 14 above**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention except that the mobile unit, reading on the claimed "terminal," checks the request of the call back message based on a telephone number or transmitted data.

In the same field of endeavor, Oka clearly shows a discloses an authentication method for a radio communication system including a plurality of base stations and radio communication terminals with stored identification data different from the other terminals, reading on the claimed "control centers and terminal," respectively, (abstract and col. 3 line 63- col. 4 line 3). A mobile station

makes a call and transmits a fixed ID and variable ID set of its station and the receiver's telephone number. It is known in the art that communication between mobile devices in a wireless communication is sent through a base station or a similar structure. Once the fixed ID, variable ID and receiver's telephone number is received by the called mobile station, it authenticates the mobile station based on the fixed ID and variable ID, reading on the claimed "checking the request in the terminal based on one of a telephone number of a requestor and transmitted data," (figure 7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a mobile station, reading on the claimed "terminal," to authenticate the caller using its ID before confirming a connection as taught by Oka in the system of Kennedy, III et al., as modified by Tomcik et al., in order to successfully deliver call in a communication system.

Consider **claim 24**, and **as applied to claim 15 above**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention except that the mobile unit, reading on the claimed "terminal," checks the request of the call back message based on a telephone number or transmitted data.

In the same field of endeavor, Oka clearly shows a discloses an authentication method for a radio communication system including a plurality of base stations and radio communication terminals with stored identification data different from the other terminals, reading on the claimed "control centers and terminal," respectively, (abstract and col. 3 line 63- col. 4 line 3). A mobile station

makes a call and transmits a fixed ID and variable ID set of its station and the receiver's telephone number. It is known in the art that communication between mobile devices in a wireless communication is sent through a base station or a similar structure. Once the fixed ID, variable ID and receiver's telephone number is received by the called mobile station, it authenticates the mobile station based on the fixed ID and variable ID, reading on the claimed "checking the request in the terminal based on one of a telephone number of a requestor and transmitted data," (figure 7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a mobile station, reading on the claimed "terminal," to authenticate the caller using its ID before confirming a connection as taught by Oka in the system of Kennedy, III et al., as modified by Tomcik et al., in order to successfully deliver call in a communication system.

Consider **claim 25**, and **as applied to claim 16 above**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention except that the mobile unit, reading on the claimed "terminal," checks the request of the call back message based on a telephone number or transmitted data.

In the same field of endeavor, Oka clearly shows a discloses an authentication method for a radio communication system including a plurality of base stations and radio communication terminals with stored identification data different from the other terminals, reading on the claimed "control centers and terminal," respectively, (abstract and col. 3 line 63- col. 4 line 3). A mobile station

makes a call and transmits a fixed ID and variable ID set of its station and the receiver's telephone number. It is known in the art that communication between mobile devices in a wireless communication is sent through a base station or a similar structure. Once the fixed ID, variable ID and receiver's telephone number is received by the called mobile station, it authenticates the mobile station based on the fixed ID and variable ID, reading on the claimed "checking the request in the terminal based on one of a telephone number of a requestor and transmitted data," (figure 7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a mobile station, reading on the claimed "terminal," to authenticate the caller using its ID before confirming a connection as taught by Oka in the system of Kennedy, III et al., as modified by Tomcik et al., in order to successfully deliver call in a communication system.

Consider **claim 28**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention **as applied to claim 14 above**, and in addition, Kennedy, III et al. clearly disclose that when the antenna receives the call back message and passes it through transceiver and controller to processor, an output device **124**, at the direction of the processor, can notify the operator of the mobile unit to place the requested call. The operator can manually input the phone number using an input device or a handset, reading on the claimed "the terminal terminating the call and subsequently establishing a connection," (col. 10 lines 15-19 and 25-27).



However, Kennedy, III et al., as modified by Tomcik et al., do not specifically show and disclose that the mobile unit, reading on the claimed "terminal," checks the request of the call back message.

In the same field of endeavor, Oka clearly shows and discloses an authentication method for a radio communication system including a plurality of base stations and radio communication terminals with stored identification data different from the other terminals, reading on the claimed "control centers and terminal," respectively, (abstract and col. 3 line 63- col. 4 line 3). A mobile station makes a call and transmits a fixed ID and variable ID set of its station and the receiver's telephone number. It is known in the art that communication between mobile devices in a wireless communication is sent through a base station or a similar structure. Once the fixed ID, variable ID and receiver's telephone number is received by the called mobile station, it authenticates the mobile station based on the fixed ID and variable ID, reading on the claimed "checking the request in the terminal based on one of a telephone number of a requestor and transmitted data," (figure 7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a mobile station, reading on the claimed "terminal," to authenticate the caller using its ID before confirming a connection as taught by Oka in the system of Kennedy, III et al., as modified by Tomcik et al., in order to successfully deliver call in a communication system.

Consider **claim 29**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention **as applied to claim 15 above**, and in addition, Kennedy, III et al. clearly disclose that when the antenna receives the call back message and passes it through transceiver and controller to processor, an output device, at the direction of the processor, can notify the operator of the mobile unit to place the requested call. The operator can manually input the phone number using an input device or a handset, reading on the claimed "the terminal terminating the call and subsequently establishing a connection," (col. 10 lines 15-19 and 25-27).

However, Kennedy, III et al., as modified by Tomcik et al., do not specifically show and disclose that the mobile unit, reading on the claimed "terminal," checks the request of the call back message.

In the same field of endeavor, Oka clearly shows and discloses an authentication method for a radio communication system including a plurality of base stations and radio communication terminals with stored identification data different from the other terminals, reading on the claimed "control centers and terminal," respectively, (abstract and col. 3 line 63- col. 4 line 3). A mobile station makes a call and transmits a fixed ID and variable ID set of its station and the receiver's telephone number. It is known in the art that communication between mobile devices in a wireless communication is sent through a base station or a similar structure. Once the fixed ID, variable ID and receiver's telephone number is received by the called mobile station, it authenticates the mobile station based

on the fixed ID and variable ID, reading on the claimed "checking the request in the terminal based on one of a telephone number of a requestor and transmitted data," (figure 7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a mobile station, reading on the claimed "terminal," to authenticate the caller using its ID before confirming a connection as taught by Oka in the system of Kennedy, III et al., as modified by Tomcik et al., in order to successfully deliver call in a communication system.

Consider **claim 30**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention **as applied to claim 16 above**, and in addition, Kennedy, III et al. clearly disclose that when the antenna receives the call back message and passes it through transceiver and controller to processor, an output device, at the direction of the processor, can notify the operator of the mobile unit to place the requested call. The operator can manually input the phone number using an input device or a handset, reading on the claimed "the terminal terminating the call and subsequently establishing a connection," (col. 10 lines 15-19 and 25-27).

However, Kennedy, III et al., as modified by Tomcik et al., do not specifically show and disclose that the mobile unit, reading on the claimed "terminal," checks the request of the call back message.

In the same field of endeavor, Oka clearly shows a discloses an authentication method for a radio communication system including a plurality of

base stations and radio communication terminals with stored identification data different from the other terminals, reading on the claimed "control centers and terminal," respectively, (abstract and col. 3 line 63- col. 4 line 3). A mobile station makes a call and transmits a fixed ID and variable ID set of its station and the receiver's telephone number. It is known in the art that communication between mobile devices in a wireless communication is sent through a base station or a similar structure. Once the fixed ID, variable ID and receiver's telephone number is received by the called mobile station, it authenticates the mobile station based on the fixed ID and variable ID, reading on the claimed "checking the request in the terminal based on one of a telephone number of a requestor and transmitted data," (figure 7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a mobile station, reading on the claimed "terminal," to authenticate the caller using its ID before confirming a connection as taught by Oka in the system of Kennedy, III et al., as modified by Tomcik et al., in order to successfully deliver call in a communication system.

8. **Claims 31, 33-36, 38 and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kennedy, III et al. (U.S. Patent # 5,734,981)** in view of **Tomcik et al. (U.S. Patent # 6,317,607 B1)**, and in further view of **Kolls (U.S. Patent # 6,856,820 B1)**.

Consider **claim 31**, and **as applied to claim 14 above**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention except that the communication between the mobile unit and platform is of a client-server communication type.

In the same field of endeavor, Kolls clearly shows and discloses an in-vehicle device that data communicates over the Internet by way if a TCP/IP connection, reading on the claimed "communication between the terminal and control center takes place according to a standardized client-server communication type," (abstract and col. 16 lines 51-55).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the in-vehicle device, reading on the claimed "terminal which is situated in a motor vehicle," to use TCP/IP communications as taught by Kolls in the system of Kennedy, III et al., as modified by Tomcik et al., in order to successfully deliver calls between devices in a communication system.

Consider **claim 33**, and **as applied to claim 15 above**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention except that the communication between the mobile unit and platform is of a client-server communication type.

In the same field of endeavor, Kolls clearly shows and discloses an in-vehicle device that data communicates over the Internet by way if a TCP/IP connection, reading on the claimed "communication between the terminal and

control center takes place according to a standardized client-server communication type," (abstract and col. 16 lines 51-55).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the in-vehicle device, reading on the claimed "terminal which is situated in a motor vehicle," to use TCP/IP communications as taught by Kolls in the system of Kennedy, III et al., as modified by Tomcik et al., in order to successfully deliver calls between devices in a communication system.

Consider **claim 34**, the combination of Kennedy, III et al. and Tomcik et al., as modified by Kolls, clearly show and disclose the claimed invention **as applied to claim 33 above**, and in addition, Kolls clearly disclose an in-vehicle device **200** with a microcontroller **234** that is interconnected with a PDA interface **222** that can be implemented utilizing wireless standards such as WAP, reading on the claimed "communication takes place according to WAP," (col. 31 line 66-col. 31 line 12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the in-vehicle device, reading on the claimed "terminal which is situated in a motor vehicle," to use WAP communications as taught by Kolls in the system of Kennedy, III et al., as modified by Tomcik et al., in order to successfully deliver calls between devices in a communication system.

Consider **claim 35**, and **as applied to claim 16 above**, Kennedy, III et al., as modified by Tomcik et al., clearly show and disclose the claimed invention except that the communication between the mobile unit and platform is of a client-server communication type.

In the same field of endeavor, Kolls clearly shows and discloses an in-vehicle device that data communicates over the Internet by way of a TCP/IP connection, reading on the claimed "communication between the terminal and control center takes place according to a standardized client-server communication type," (abstract and col. 16 lines 51-55).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the in-vehicle device, reading on the claimed "terminal which is situated in a motor vehicle," to use TCP/IP communications as taught by Kolls in the system of Kennedy, III et al., as modified by Tomcik et al., in order to successfully deliver calls between devices in a communication system.

Consider **claim 36**, the combination of Kennedy, III et al. and Tomcik et al., as modified by Kolls, clearly show and disclose the claimed invention **as applied to claim 35 above**, and in addition, Kolls clearly disclose an in-vehicle device with a microcontroller that is interconnected with a PDA interface that can be implemented utilizing wireless standards such as WAP, reading on the claimed "communication takes place according to WAP," (col. 31 line 66- col. 31 line 12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the in-vehicle device, reading on the claimed "terminal which is situated in a motor vehicle," to use WAP communications as taught by Kolls in the system of Kennedy, III et al., as modified by Tomcik et al., in order to successfully deliver calls between devices in a communication system.

Consider **claim 38**, Kennedy, III et al. clearly show and disclose a call delivery system, reading on the claimed "communication connection," for delivering a call to a mobile unit in a vehicle which includes both a data communications network and a mobile voice communications network. A platform receives a call for the mobile unit and can generate a call back message for transmission to the mobile unit using the data communications network, and the delivered call may be a call to transfer data, reading on the claimed "system for establishing a communication connection between a control center and a terminal, data being transmitted via the established communication connection," (abstract, col. 9 lines 3-6), comprising:

a platform initiating a call delivery process upon receiving a call from a caller for the mobile unit, reading on the claimed "a control center including an arrangement configured to place a call to a selected terminal based on an external request," (col. 7 lines 49-51), and using the data communications network to communicate a call back message to the mobile network which can request the mobile unit to call the platform, reading on the claimed "to expect a



request to establish a for connection from the terminal, after the terminal has performed the steps of terminating the call without accepting the call; checking, on the basis of data delivered by the call, whether a connection to the control center is permitted to be established, and in response to a determination that the connection to the control center is permitted to be established," (col. 7 lines 49-53 and 62-63).

However, Kennedy, III et al. fail to specifically disclose that the mobile unit terminates the call from the platform before accepting it.

In the same field of endeavor, Tomcik et al. clearly show and disclose a method for rejecting a request for call initialization. A wireless communication device comprises a multi-mode wireless telephone and means located within the telephone to determine a communication mode of incoming communication requests. When a page message is received by the wireless communication device indicating a request for call initialization, or availability of an incoming call, the page message is examined to determine which communication mode is being requested by the incoming call. If the communication mode of the incoming call does not match at least one of the selected communication modes, a page response message is transmitted rejecting the incoming call, reading on the claimed "terminating, by the terminal, the call without accepting the call; checking, by the terminal, on the basis of data delivered by the call, whether a connection to the control center is permitted to be established," (abstract, col. 2 line 54- col. 3 line 10).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a wireless device determine if an incoming call is in a selected communication mode before accepting as taught by Tomcik et al. in the system of Kennedy, III et al. in order to successfully deliver call in a communication system.

However, Kennedy, III et al., as modified by Tomcik et al., do not specifically disclose that the communication between the mobile unit and platform is of a client-server communication type.

In the same field of endeavor, Kolls clearly shows and discloses an in-vehicle device that data communicates over the Internet by way if a TCP/IP connection, reading on the claimed "communication between the terminal and control center takes place according to a standardized client-server communication type," (abstract and col. 16 lines 51-55).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the in-vehicle device, reading on the claimed "terminal which is situated in a motor vehicle," to use TCP/IP communications as taught by Kolls in the system of Kennedy, III et al., as modified by Tomcik et al., in order to successfully deliver calls between devices in a communication system.

9. **Claim 32** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Kennedy, III et al. (U.S. Patent # 5,734,981)** and **Tomcik et al. (U.S.**

**Patent # 6,317,607 B1), in view of Oka (U.S. Patent # 6,091,945), and in further view of Kolls (U.S. Patent # 6,856,820 B1).**

Consider **claim 32, and as applied to claim 29 above**, the combination of Kennedy, III et al. and Tomcik et al., as modified by Oka, clearly show and disclose the claimed invention except that the communication between the platform and the mobile unit is implemented using WAP.

In the same field of endeavor, Kolls clearly shows and discloses an in-vehicle device that data communicates with Internet based data processing resources. The in-vehicle device includes a microcontroller that is interconnected with a PDA interface that can be implemented utilizing wireless standards such as WAP, reading on the claimed "communication takes place according to WAP," (abstract, col. 29 line 66- col. 30 line 12).

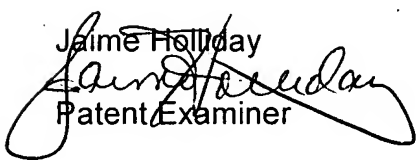
Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the in-vehicle device, reading on the claimed "terminal which is situated in a motor vehicle," to use WAP communications as taught by Kolls in the combination of Kennedy, III et al. and Tomcik et al., as modified by Oka, in order to successfully deliver calls between devices in a communication system.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Holliday whose telephone number is (571) 272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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